

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

COLLEEN SHY, Individually, and as Special  
Administrator of the Estate of Neil Shy,

Plaintiff,

VS.

Case No: 08C2736

AMERICO FINANCIAL LIFE AND ANNUITY  
INSURANCE CO., d/b/a AMERICO,

Defendant.

**PLAINTIFF'S RESPONSE TO DEFENDANT'S AFFIRMATIVE DEFENSE**

NOW COMES the Plaintiff, COLLEEN SHY, Individually, and as Special Administrator of the Estate of Neil Shy, by her attorneys, STOTIS & BAIRD CHARTERED, and hereby responds to the Defendant's Affirmative Defense as follows:

**ALLEGATION:**

Based on material misrepresentations in the application for insurance completed by Neil Shy, Plaintiff's claim is barred pursuant to Section 154 of the Illinois Insurance Code, 215 ILCS 5/154, et seq.

**ANSWER:**

Plaintiff denies the allegations of Defendant's affirmative defense.

200 West Jackson Boulevard, #1050  
Chicago, IL 60606  
(312)461-1000  
Attorney for Plaintiff

**STOTIS & BAIRD CHARTERED**

By:

Eric J. Parker